

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

AMAZON WEB SERVICES, INC.,

Plaintiff,

v.

UNITED STATES OF AMERICA,
by and through the U.S. Department of Defense,

Defendant,

and

MICROSOFT CORPORATION,

Defendant-Intervenor.

Case No. 19-1796 C

Judge Campbell-Smith

[REDACTED]

FINAL REDACTED VERSION

**PLAINTIFF'S [REDACTED] OPPOSITION TO
DEFENDANT'S MOTION TO STRIKE AND SUBSTITUTE
AND PLAINTIFF'S CROSS-MOTION TO STRIKE AND SUBSTITUTE**

Pursuant to Rule 7(b) of the Rules of the United States Court of Federal Claims and Paragraph 12 of this Court's Protective Order, Plaintiff, Amazon Web Services, Inc. ("AWS"), files Plaintiff's Opposition to Defendant's Motion to Strike and Substitute and Plaintiff's Cross-Motion to Strike and Substitute. *See* Defendant's Motion, ECF No. 53.

Attachment A to Defendant's Motion is a version of Plaintiff's Redacted Complaint with red boxes added to indicate AWS's redactions and yellow highlights added to indicate the redacted language Defendant objects to protecting. *See* Defendant's Motion at 2; *see also* Defendant's Motion, Attach. A, ECF No. 53-1.

Exhibit 1 to this motion is a version of Attachment A to Defendant's Motion with blue strikethroughs added to indicate those Defendant objections to redactions that AWS does not dispute (*i.e.*, language in the Complaint that Plaintiff now agrees should not be redacted, after considering Defendant's objections). The yellow-highlighted language in Exhibit 1, which Plaintiff has redacted and to which Defendant has objected, remains in dispute (*i.e.*, language in the Complaint that Plaintiff continues to request be redacted, despite Defendant's objections).

Exhibit 2 to this motion is Plaintiff's Updated Proposed Redacted Complaint, reflecting the redactions Plaintiff has determined, after considering Defendant's objections, to be necessary to protect AWS's proposal information and related source selection information.

As discussed in the memorandum supporting this motion, Defendant does not have a legitimate basis to object to the disputed redactions in Plaintiff's Redacted Complaint. Those redactions protect AWS's proposal information, which is proprietary and confidential, and they protect related source selection information, which is competitively sensitive. Removal of the redactions would expose this information to Microsoft, resulting in competitive harm to AWS in the event this bid protest results in a recompetition of the JEDI contract.

Accordingly, Plaintiff requests the Court DENY Defendant's Motion and GRANT Plaintiff's Cross-Motion; and, in this regard, Plaintiff requests that the Court strike Plaintiff's Redacted Complaint (ECF No. 26), and substitute the Updated Proposed Redacted Complaint, attached here as Exhibit 2.

Dated: December 26, 2019

Respectfully submitted,

By: 

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